

afraid they would “piss off a lot” of customers. What terms did they delete? Beginning in 2010, Backpage automatically deleted words including “lolita”—referencing a 12-year-old girl in a book who was sold for sex—“teenage,” “rape,” “young,” “little girl,” “teen,” “fresh,” “innocent,” “school girl,” and even “amber alert”—and then published the edited versions of the ads on their Web site. Backpage also systematically deleted dozens of words related to prostitution.

This filter made these deletions before anyone at Backpage even looked at the ad. When law enforcement officials asked for more information about the suspicious ads, as they have routinely done, Backpage had already destroyed the original ad posted by the trafficker, and the evidence was gone.

So this notion that they were trying to help law enforcement is in the face of the fact that they actually destroyed the ads that had the evidence. We will never know for sure how many girls and women were victimized as a result. By Backpage's own estimate, the company was editing 70 to 80 percent of the ads in the adult section by late 2010.

Based on our best estimate, that means Backpage was editing more than half a million ads every year. Internal emails indicate the company was using the filter to some extent as late as 2014. We simply don't know if they are still using a filter. Eventually, Backpage reprogrammed its filters to reject some ads that contained certain egregious words suggestive of sex trafficking.

But the company did this by coaching its customers on how to post clean ads to help facilitate the criminal conduct of these traffickers. So they did reject some ads, but then they went back to the customer to say: This is how you could do it better. For example, starting in 2012, a user advertising sex with a teen would get this error message: “Sorry, ‘teen’ is a banned term.”

With a one-word change to the ad, the user would be permitted to post the same ad, the same offer. In October 2011, Backpage CEO Carl Ferrer directed his technology consultant to create an error message when a user entered an age under 18 years old. Just like the word filter, the customer could just enter a new age that the ad would then post.

With regard to ownership, our investigation revealed that acting through a series of domestic and international shell companies, Backpage's founders lent their CEO, Carl Ferrer, more than \$600 million to buy the Web site. While Ferrer is the owner of Backpage, Backpage's previous owners retain near total debt equity in the company and continue to reap Backpage's profits in the form of their loan repayments.

They can also exercise control over Backpage's operations and financial affairs pursuant to the loans and to other agreements. The elaborate corporate structure under which Ferrer pur-

chased Backpage through a series of foreign entities appears to provide absolutely no tax benefit—based on their accountant's information to us—and serves only to obscure Ferrer's U.S.-based ownership.

Based on all of these findings, it is clear that Backpage actively and knowingly covered up criminal sexual activity—sex trafficking—that was taking place on its Web site, all in order to increase its profits at the expense of the most vulnerable among us.

Backpage has not denied a word of these findings. Instead, several hours after our report was issued, the company closed what they call their adult section. They closed it down. Frankly, this just validates our findings.

The National Center for Missing & Exploited Children said this about Backpage's closure of its adult site: “As a result [of this closure], a child is now less likely to be sold for sex on Backpage.com.”

No one is interested in shutting down legitimate commercial activity and speech, but we do want to put a stop to criminal activity.

I want to thank Senator McCASKILL and her staff for their shoulder-to-shoulder work with my team on the Permanent Subcommittee on Investigations on this bipartisan investigation. I am also grateful to the members of the full committee and the Senate as a whole for unanimously supporting us as we pursued the enforcement of this subpoena against Backpage.com.

But we are not done. In the weeks and months ahead, I intend to explore whether potential legislative remedies are necessary and appropriate to end this type of facilitation of online sex trafficking.

At a hearing on the report on Tuesday, Backpage CEO and other company officials pled the Fifth Amendment, invoking the right against self-incrimination, rather than respond to questions about the report's findings.

The subcommittee also heard powerful testimony from parents whose children had been trafficked on Backpage.com. One mother talked about seeing her missing daughter's photograph on Backpage.com, frantically calling the company to tell them that was her daughter and to please take down the ad.

Their response: Did you post the ad? Her response: Of course I didn't post the ad. That is my daughter. Please take it down.

Their response: We can only take it down if you paid for the ad.

I urge my colleagues to join me in this effort to ensure that does not happen again. What happens to these kids is not just tragic; it is evil.

I urge my colleagues to join me in reforming our laws so they work better to protect these children.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUNT). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER LEGISLATION FOR THE NEXT SECRETARY OF DEFENSE

Mr. LEAHY. Mr. President, the Senate is faced with a clear but complicated choice: support this expedited legislation that will pave the way for the confirmation of the next nominee to be Secretary of Defense or embroil one of the most consequential Cabinet positions—and with it the lives of thousands of men and women, as well as our national defense—in what would surely become a legal and legislative morass.

The Framers of the Constitution established that the Senate should provide advice and consent in the appointment of such Cabinet nominees. Congress subsequently, in the aftermath of World War II, sought to implement limitations on who could serve as Secretary of Defense, specifically, a cooling off period for members of the military nominated to serve as Secretary of Defense. The goal? To ensure that America's military would remain under civilian control. Circumventing these limitations requires an act of Congress. It has been done just once before, ironically almost immediately after Congress first enacted those limitations.

In Gen. Mattis, the President-elect—who is inexperienced in the world of military affairs and has sometimes proven rash in his public comments—has identified an able leader, who is tremendously popular and who has time and again shown himself worthy of the respect he has earned. I believe he will be a voice of reason in the Department of Defense and was encouraged to hear at his confirmation hearing this morning that he understands the importance of civilian control of our Defense Department and intends to preserve that tradition.

As Senator REED said earlier today in the Armed Services Committee, this is a once-in-a-generation waiver. Chairman MCCAIN similarly emphasized that he supports the law that this legislation would temporarily waive. I do not support efforts to change the law to permanently eliminate this statutory cooling off period. I am disappointed that the Senate majority has insisted on creating an expedited debate on such a critical question. I cannot support such an abrupt and accelerated revision of the law, even in the form of a one-time-only exemption. I couldn't support such a haphazard process, regardless of who the President, President-elect, or the nominee is.

As I said in December when the Senate considered the legislation that paved the way for this rushed process today, my vote on this bill does not foreshadow my vote on Gen. Mattis's nomination. I do believe that Gen. Mattis can respect the boundaries that

make our Armed Forces the strongest in the world. I believe Gen. Mattis will offer a critical perspective to an inexperienced and sometimes volatile incoming Commander in Chief. And those are reasons why I believe he may receive my support when the Senate considers his nomination.

ADDITIONAL STATEMENTS

TRIBUTE TO MACK COLE

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Mack Cole of Treasure County, a third generation Montanan and dedicated public servant. Next month, Mr. Cole will celebrate 55 years of marriage with his wife, Judy. Mack and Judy Cole were married in February 10, 1962, in the town of Hysham, one of the many beautiful small communities in the quiet and peaceful high plains of eastern Montana.

After marriage, Mr. and Mrs. Cole spent 2 years in South America, providing much needed services while working for the Food for Peace Program in Brazil. Mr. Cole's experience in South America would serve as a trailhead for a lifelong journey of civic minded virtue and dedication on behalf of his fellow citizens.

In the late 1970s, Mr. and Mrs. Cole moved down the road, west on I-90 to Billings, MT, and they continued to build upon their honorable records of public service. During this chapter of his life, Mr. Cole worked for the Bureau of Indian Affairs in multiple western States and was involved in a wide variety of programs, including the development of irrigation projects. His work with the Bureau of Indian Affairs took him to Wyoming, Arizona, Utah, and Nevada. After retiring from the Bureau of Indian Affairs in 1993, the Coles moved back to the family ranch outside of Hysham.

Mr. Cole continued his distinguished record of public service by representing the people of Treasure County in the Montana Legislature, retiring from the State senate in 2003. During his time in legislature and even after retirement from public life, Mr. Cole has always been a steadfast supporter of responsible energy development, a critical component for the livelihood of many of his friends and neighbors.

His humble efforts to help provide food to the hungry, keep water flowing to farms and ranches ensuring energy was always ready at the flip of a switch make him a great Montanan. It is hard to find a better example of a fellow Montanan that is always ready to offer a helping hand.

I want to express my deep gratitude to Mr. Cole for his dedication and service to Montana and our country.●

REMEMBERING BYRON BIRDSALL

• Ms. MURKOWSKI. Mr. President, Alaskans tend to view our State as a

big family, a family whose members come from many places but are united in our love and loyalty for our great land. And like any family, Alaska has been blessed with outstanding sons and daughters, distinguished in their own unique ways.

Today I wish to pay tribute to the memory of one such Alaskan, acclaimed watercolorist Byron Birdsall. Byron's passing on December 4, 2016, just 2 weeks shy of his 79th birthday, leaves a hole not just in the hearts of Alaskans, but in the art world itself. Given the indelible impact that Byron's prolific volume of work has had on Alaskans over the last 41 years, it is all the more impressive, considering that he lived the first half of his life outside the State.

Born in Buckeye, Arizona on December 18, 1937, Byron was raised in the suburbs of Los Angeles. After graduating with a bachelor's degree in history from Seattle Pacific College in 1959, Byron attended Stanford University. Following his 1960 marriage to his beloved Lynn, who succumbed to breast cancer in 1998, the couple set out to travel the world. The couple traveled to Africa to teach English and explored the Pacific, living in American Samoa for a few years. They then returned for a job in Seattle before arriving in Anchorage for a job at an advertising agency, which he soon quit to paint full time.

He recalled that it was 1975, during the pipeline boom that he was painting pictures. "People started buying them so I quit work and started painting." Byron painted Alaska. He later explained to the Anchorage Daily News, "Alaskans love Alaska. That's what they want to buy."

Despite his talent in multiple mediums, including portraiture and oils, Byron will likely be best remembered for his prolific work in watercolor and landscapes, and, perhaps rightly so, as many of the pieces and prints so familiar to most Alaskans were in that format. His work is so highly regarded that one of his prints, "McKinley Moonlight," was selected to serve as a background for Alaska's heirloom marriage certificates. As his wife Billie said, Byron was "inspired by both the scenic beauty of Alaska and its people."

Alaska Dispatch News writer David James described Byron's landscapes for a recent book Byron completed this year as "rich with color and detail. His summer scenes explode with flowers, animals and sunlight, while his images of winter, where snow covers the ground and twilight darkens the sky, are alive with elaborate hues and stellar lighting that belie the notion of Alaska as a desolate wasteland for half the year."

But I would be remiss if I did not take a moment to highlight for the record that Byron's work was not just the beautiful landscapes that Alaskans love so much. Rather, he helped catalog the history of the 49th State.

Among the many honors we have as Senators is adorning our offices with artwork that represent our States. In my case, that includes two of Byron's prints proudly hanging in the hallway leading to my office. While the first is one of his traditional moonlit landscapes, the other is "Anchorage Land Auction, 1915." It features a crowd huddled in what was then no more than a tent city near Ship Creek, in what would eventually become downtown Anchorage. Byron's painting reminds me not just of those pioneers who ventured to Alaska with the promise of a new life waiting to be carved out of the wilderness but, despite how far Alaska has come, how much raw potential still remains.

Despite our rich history and heritage, we are a young State, and many of our founding generation has been—and is now—passing from the scene. However, whether through his capturing of the 75th Annual Anchorage Fur Rendezvous Festival or "Fur Rondy," featuring Rondy 10-time champion George Attla racing his sled dog team down 4th Avenue, or in his painting the historic devastation to downtown Anchorage following the 1964 earthquake, Byron was interpreting and memorializing the highs and lows of our history for generations of Alaskans to come.

I can think of no better way to end than with Byron's own words about his life: "A dream come true. That is what Alaska has given to me. Incredible beauty for subject matter, and a receptive public have combined to allow me to do what I love best, painting all day, every day for more than 41 years."

On behalf of grateful Alaskans and my fellow Senators, I extend my condolences to Billie and Byron's family. With Byron's passing, Alaska has lost a cultural icon, but his substantial body of work lives on forever.●

MESSAGE FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, to clarify the nature of judicial review of agency interpretations, to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

H.R. 39. An act to amend title 5, United States Code, to codify the Presidential Innovation Fellows Program, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5. An act to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, to clarify the nature of judicial review of agency interpretations, to ensure